torward. Was there not one man willing to come forward and give Fisk some noble attributes? Not one to qualify the character they had given him! Not one. Better the reputation of the poor but faithful man than of one who so hastened to get frich. It was not a pleasant subject, but they had to lay it bare. But it had been intimated in the cross-examination that he was a coward. What, a colonel of a regiment a coward! Haughter. I and an admiral on the high seas a coward that, a colonel of a regiment a coward! The it is ided the presecution nothing to prove that he was a coward. Cowardice and crucily always went land in hand. Nero and George 111, were famous for their cowardice as well as their other qualifies. But he was the man who was reckless in his neams; who beasted his touch was cold and clammy; who threatened Stokes with death and tharw him into prison who; showed more than royal state; who became a colonel when he wished it; who comploved dancing girls and had a theater for their exhibition. This was the man who confronted the prisoner on that day. On the other hand the prisoner, with an unspotted character, become acquainted with Fisk, and amfortunately cuterod into relatious with him. Comsel briefly sketched Mr. Stokes's career, peluting out his excitement, his apprehensions, the wrongs he suffered from Fisk, he constantly keeping a pistol, his inquiries as to Pisk's power to bring him, daywing a pistol and cocking it. Then the prisoner hastly fired once, twice, and turned, excited and bewildered, to seek exit where there was no exit. He called for a doctor. He did not rejoice at the result accomplished. They might regret that Fisk was sent so swifily to another world. But God had said he who takes the sword shall periab by the sword. His faste was a consequence of his own character, and it was lich time his arm should be arrested. He was dangerous to the morals of the community, a dangerous man to the rising generation.

to the morals of the community, a dangerous man to the rising generation.

Judge Beardman here called Mr. Treumin's attention to the fact that his time was nearly expired.

Mr. Tremain resumed: Was there another pistol? He recalled the testimony of De Corley, of the Harlem carpenter, of Stapleton, and of Jenny Turner (to whose testimony he paid a high compliment), as to the finding of the second pistol and the fact that their testimony was uncontrain-ted. Where had the cloak been between be clock and 1? Mr. Morse was not produced, who took liftom him. They had heard till this trial of but five holes and it now appeared there were eight. What meant Fixe's remark: "He was too quick for mr. heard by John Moorel what Crockett's remark to Cowling: "I am leoking for another pistol?" what Capit. Byrne's question to De Corley, if really put, as to the pistol, Before showing it, if there were no second pistol?

THE LAST APPEAL. Mr. Tremain impressed on the jury the duty of giving e prisoner the benefit of every reasonable doubt. Under the admonition of his Honor he had now to close. No man knew better than himself how imperfectly his work had been done. He reminded them of the duty to do werk had been done. He reminded them of the duty to do
by others as they would be done by. He recalled to them
the recent holiday season, and asked whether they would
give to the prisoner's mother as a Christmas gift the
dead body of her eldest son. Goutlemen, enter upon the
performance of your duty in the spirit of that
licaver-born and blessed charity so beautifully
described by the Apostle Paul in his Epistle
to the Corinthans—"Search not for faults, but be
willing to believe in the existence of lonecence." Exercise that charity which thinkelth no evil,
which suffereth long and is kind, which rejoiceth not in
iniquity; which vanisteth not itself, is not puffed up,
beareth all things, hopeth all things, believeth all things
blessed be Almichty God, from whose perennial and
eternal fountains this charity has sprung—that charity
which never faileth.

degrand fountains this charity has sprung—that charity which never faileth.

And now in conclusion, gentiemen, may you be inspired by that light from Heaven that shall enable you to see clearly that it is your duty to pronounce that gentie worder, in which case I know it will be your highest pleasure, whose will open the bars of that terrible prison where for twelve months the unfortunate prisoner has been confined. If you concar with the reasoning I have addressed you, you will by a prompt and speedy vertice pronounce it. I impiore you, if you come to that conclusion, to pronounce the verdict which shall restore this younk man once more to the open world where he may breathe the free air of Heaven, that shall restore him who has been by his affliction broken down in health and spirits, to the bosom of his family and his uncerous and toying friends ready to receivelym, to restore tim to that manualty, which, under our laws and constitutions shalt flow from a verdict of honorable acquittal pronounced in an honest trial by an honest jury of his countrymen. [Lond and prolonged applicates].

The Court (very sharply)—"What does this mean?"

Mr. Dos Passos here read some requests to charge, and

Mr. Dos Passos here read some requests to charge, and a Court took a recess. During the last part of Mr. and especially the fifth jurer, seemed very much affected. The Court here took a recess of halt an hour, at the end of which Wm. A. Beach promptly began his argument, which was in substance as follows:

MR. BEACR'S ADDRESS. GENTLEMEN: The prisoner gave you a history of the bloody tragedy which took place 12 months ago. For 12 months he contemplated it, and we in consultation with able, faithful and ingenious count !. All that his own memory could recall and the surp, stions of devoted tearning could furnish him for 12 no the has been yielded te him, and he was placed on the siane, to tell the story of his guilt or innocence. It was a painful exhibition. Becalf the picture of his early life and manhood painted by his counsel, the story of those lessons of maternal love and the influence of those blessed teachings nich are learned nowhere but in the family circle, the ome of innocence. He was a young man, my friend said, just starting upon the path of manhood, with all its essible achievements and honors before him. Yet he mes almost with the clank of fetters around him-all hopes which cheered his early boyhood, all the proies of maternal love and paternal hope frustrated, appealing voice in such a presence which speaks to the hearts and sympathics; but standing here as representalive of the people and the law, bound to appeal to your sease of justice and maintain the integrity of the law, I

If I could I would not stir your hearts with a single enjustifiable feeling against a man struggling in the meahes of the law, but I am bound, as you are bound, to meanes of the law, but a lam sound, as you are sound, as you are sound, as your duty in this place; a duty which the institutions of society and the organization and administration of the law impose upon you; may, a duty which comes upon you with divine force, which demands justice against the slayer of man. Ages ago, over the burning plains of byria, the divine matedation sounded, "Whose sheddeth man's blood by man shall his blood be shed;" and through all the ages it has sounded and still rings in the earts of men, and in every age and every clime at paintal to see that venerable father, that loving and affectionate mother, that tender and clinging sister and that manly fraternal love which clinging sister and that manly fraternal love which clings to a brother it his amergency. When my friend spoke of this cluster of relatives and friends gathered about this man in his extrement perhivery heart heat with a responsive sympathy to the appeal, every-ove was dimmed by the unladgen tear; and when, in his last appeal to this jury, he asked them if, in this season of restrivity, peace, and kindhiness, they would give as a New-Year's gift to this father and mother and family the mangled remains, of a followed ann, why I could see your eyes quiver and your lips blanch and hear your hearts beat.

But there was another New-Year's Day. Just as a weedly and gently as now if broke upon an erring world. It came with all its sweetness and beauty and attraction then to cheer men as to-day. Oh, would to Ged that this man had remembered then the beneficence of the hour lob, that he had thought then, and felt the kindliness of the season; that in its edjeyment and pleasures and sympathies he had spent his time, rather than in the insulance of templatics, when he saw

the serson; that in its enjoyment and pleasures and sympathies he had spent his time, rather than in the lufatigence of criminal passions and revenge. Better, for him that then, in the how of templation, when he saw the opportunity of swift and said revenge, he should have thought of the lessons he seamed at his mother's knees, and not wandered from the path of virtue and had had not wandered from the path of virtue and had had not uprightness. Although I know I cannot shur your hearts to the influence of this human sympathy; although I know I cannot steel your souls to mercy, yet I tell you in this moment, when the great interests of truth and law and society are submitted to your care and administration, that the question is not only whether this man shall be judged in registectures and truth, or the very foundations of society shall be subverted and the care and protection of the law made void if you should give way under these fricumstances to those impulses, emotions, and sympathies so frocely addressed to you by the counsel; but whether more blood shall flow and murders abound still more, and that the time is come when young men can pome into court, and by the exhibition of sorrowing friends and dishonored relatives break the meshes of the law.

SLAYER AND SLAIN. Speaking of the demeanor of the prisoner. Mr. Beach and it was characteristically cool. Aye, said he, turning to Stokes, and the remark brings now a smile to his face. He has been all through smiles, not the sorrowful young man described by his counsel. If Pisk, under a shameful it w of the State which legalizes gambling, was a gambler in specie, what had the jury to do with that? ful law of the State which legalizes gambling, was a gambler in specie, what had the jury to do with that? The men who were brought to testify against his character were men in constant his gainen with him. Vanderbitt, Ramsey and the rost, except by ess, were his sworn loss and violent and embittered obenies as railroad men. And Diven knys he was a genth and generous man, and Diven knys he was a genth and generous man, and Diven knys he was a genth and generous man, and Diven knys he was a genth and generous man, and Diven knys he was a genth and generous man, and those of the woman Wilksms that judgment heaptires and traitress; and it was from such lips harshly. His carder is run; he can do no harm. Groesbock says he was a physical coward, and you are to suppose has the very appearance of a man of such a character, known to the prisoner, wand impress the prisoner with the idea "I sto in peril." The very idea is indicated against him, I sto in peril. "The very idea is indicated against him. Eaks is celebrated duelist of the South, it mattered not that he wore gloves and took he other, and sind two unless into his victim before a pistol could be side against him. Eaks is celebrated duelist of the South, it mattered not that he wore gloves and took he aim; his sim was certain. We of testing the heigh mistress of Fisk, who discarded him to make toom for his successor. Hare counsel turned around and posited at the prisoner. Amay set he jury were asked to guide their of the natures. Why the third model to the house of the intels, the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the intels; the strange woman, who leads to the house of the prisoner leaves and have his private busines and he we his private business and he we his private busine gambler in specie, what had the jury to do with that the men who were brought to restify against his character were men in constant hisgains with him. Vanderies were men in constant hisgains with him. Vanderies was a few of the constant hisgains with him. Vanderies and viscont and embittered occupies are allowed men. And Diven says he was a gental and generous man, see he had toops of friends. But he was betrayed and penneed. The harlest Manshed was his plaque, his competions and traitress; and it was from such him hards that the was sugged. Do no harm, forces harshly. His career is run, he can do not have. Green harshly. His career is run, he can do not have. Green harshly. His career is run, he can do not have. Green harshly. His career is run, he can do not have. Green harshly. His career is run, he can do not have the possible was he was a plysical covar a man of such a character was neight. Do not a men of such a character was neight. The very his constant would impress the pissoner settle known to the prisoner. The very appearance would impress the pissoner settle with uncering he that the cannot not be successor. The condition of the carnot would impress the pissoner would impress the pissoner would impress the pissoner would in the carnot would be prisoner. The condition of the carnot would be prisoner to the carnot would be prisoned to the car

clusion that it was a long-meditated design, which is more than the law requires.

These men hated each other and watched each other. The prisoner goes about making inquiries as if he got information of the coming indictment. He drives to Mansfield's, sees her in the window, and drives to the Grand Central Hotel. Then he walks around until he Mansfield's, sees her in the window, and drives to the Grand Central Hotel. Then he walks around until he sees the gilded equipage of Fisk, a few blocks off. Then, instead of inquiring in the offlice or sending up his card, he steals in by the private door, and, in his groom's dress, lotters among the lady guests—this man, who pretends to be a gentleman—until be judges it is time to return to the head of the stairs. And when he reached the tairn where he was sure he would meet his victim, and that there was no escape from his tolk, he gives vent to the flendsh exclamation, "Now I have you!" The boy Hart heard him. The boy Redin, standing at the feet of the stairs, saw Fisk ascend to the platform, and saw stokes at the head of the stairs fire the deadly shots. Coglan, a wilness not assailed by the defense, saw the prisoner with his right hand in his coat pocket. He was waiting for Fisk. Three witnesses swear they saw him at the head of the stairs, He places himself three or four steps down, for the reason that at the top, supposing he feared Fisk, as he says, a single step aside would save him, without the imputation of cowardice. Stokes's witness, Jenny Turner, contradicted him in some particulars. She attempts to defance Mrs. Morse, or carrying out the prisoner's theory. You have seen Mrs. Morse, continued Mr. Beach, and I have no cutogy to offer of her, and I have no defense to offer for her agrainst the vice and unrentennally insinuations made acainst her by counsel, and I have no defense to offer of her, and thave no defense to offer of her, and who, in open Court, without a single purifice of evidence to sastain him, indulges in each vite and unmanily insinuations made acainst her by counsel, and I have nothing to say in condemnation of the man who, in open Court, without a single purifice of evidence at great length, and in closing said: Gentlemen of the jury, this is a struggle between the law and perjury and fraud and the trial test of the administration of the law. You are to determine whether the wick

in the case,
At the close of Mr. Beach's address, Mr. Tremain rose to call attention to language in reference to him used by Mr. Beach, which he said he was not accustomed to listen to in patience. A few words of gentlemanly refort followed, and when both counsel had quieted down, Judge Boardman delivered his charge, which occupied exactly 65 minutes.

JUDGE BOARDWAN'S CHARGE.

I congratulate you on the near approach of the termination of this very protracted case, and I also have occasion to compliment you on the apparent patience and siteution which you have given to the case, and to the evidence during its progress. It gives me pleasure

the evidence during its progress. It gives me pleasure also to commend the counsel in this case for the distinguished ability and zeal, accompanied at the same time with countrest, with which they have managed the case and discussed the testimony and protected the interests which are respectively assigned to thom. In view of what I said early in the case, I feel also disposed to return my thanks to the gentlemen of the press of this city, in that they have withheld, so far as I believe or know, any comments on this case during its progress calculated to stir feeling or excite partian prejudice, or anything to interfore with the due and proper administration of justice. Having said this much, I will without further comment devote myself in this case, and as briefly as possible to you certain leading features and characteristics which may assist you in your investigation and aid you in comment to a just conclusion.

It is proper that I should clear away, as far as possible, certain colowebs that have accumulated about the case, and are well calculated to distract attention from the real points you are to pass upon. Among these I may name that the character of Fisk, who is not upon trial here, is not to be considered by you in any respect, except a single one, to which I shall presently call your attention—whether he was a good or had man, whether vite in his labilities of you allow it to prejudice your mounts of influence the verdict to which you are to come. Upon the other hand, more or less has been said as to the detendant, his social relations and his wealth. These have nothing to do with your verdict, However high his social position, whatever rank cristion he may enjoy, whatever wealth he may be possessed of, however influential or however good or virtuous his triends may be, will not or ought not to affect your judgment. These things are not to thwart the progress of the law. He is to be judged of as any other. All in this tribunal stand equal. None are ontitled to special protection, none are exempt from

THE REAL QUESTION AT ISSUE. Now I may say, I think, without exception from any one, that the killing of Fisk by the prisoner stands con-

ceded. There is nothing in the case, as I understand, to raise a doubt of the fact that the prisoner killed Fisk by shots fired on Jan. 6, 1872. Discarding the questions conceded to be true and the circumstances that surround the case which you have heard of, let us see what the the case which you have heard of, let us see what the real point of difference is—what the real question you are called on to decide—and seeing that plainly and clearly, what are the instrumentalities that have been brought to convince your judgment and affect your verdict. The kilding being conceded, it naturally becomes a question whether such kilding was a crime. That is the question. It is confined within the exceedingly narrow limits coincident with the occurrence or immediately preceding the act whether this killing was a crime. The counsel on both sides agree that the act was either murder in the trust degree, manalaughter in the third degree, or justifiam not insensible to this sad and mournful spectacle, first degree, manslaughter in the third degree, or justification of enmity, or able homicide. It is for you to say of which the character of the character o hrst degree, manslaughter in the third degree, or justifiable homicide. It is for you to say of which the characteristics properly attach to it from the evidence beforeyou. To determine intelligently that question the most important fact is, were there two pistols found? For if there was but one and that the pistol produced before you, it is conceded to be the pistol of Stokes, fired by him, and which inflicted the fatal wound. If that is sustained, is there any other evidence in the case which by possibility can be alieged to show the prisoner to have acted in self-defense under the curcumstances? If Fisk had no pistol, and so could make no threatening assault, was it possible for the prisoner to justify the firing of the pistol? Before looking directly at that, let me say a few words as to the character of the evidence on which this issue is to be determined. It is apparent, as has been stated by counsel on either side, that there is much discrepancy in the testimory. It is concerded by the other counsel also that much of it is of that character which does not go to the credibility or affect the integrity of the winesses. In a case of this character, where a fatal shot is fired, up to the moment of the shooting no attention is given, from the moment of the shooting all are under extreme excitement. It is quite impossible that any two winesses should give exactly the same fantenents, should see the same persons, hear the same language, identify the same locations of persons and indents, and speak mythe same persons, hear the same language, identify the same locations of persons and indents, and speak mythe same words. Such a thing is practically impossible and would be a circumstance of very grave suspicion. Mere discrepancies arising out of habits of inattention, or lack of observation, or through lacking memory, or different positions in which persons are placed, or different positions in which persons are placed, or different positions in which persons are placed, or different positions of their story.

One of the first duties of juries is, where it can consistently be done, to reconcile the testimony of all the witnesses without impugning their honesty or integrity. It is also their duty, as it should be their pleasure, to believe that every witness has told the truth, and if it becomes impossible to reconcile their testimony—It is so conflicting and opposite that you must come to the conclusion that one or other witness has testified falsely, and willfully falsely—then you must make up your minds whom to credit and whose testimony to reject. Then there are other considerations that should be observed by the jurors—the appearance of the witnesses. They are brought on the stand that you may hear them, and judge their frankness and intent to tell the truth, whether there is any reason to distrust their integrity or doubt their disjuterest-edness; whether they are intelligent or less deserving, whether they are disposed to be prejudiced or whrped, or give a high coloring to the facts. All these matters you are to judge, and which is less entitled to credit for the case that any inducement has been oftered witnesses to modify or conceal testimony, that is to be taken into consideration; if no evidence of mercenary motive is given you, or that their testimony is waived, then of rourse they are entitled to credit just to the extent you believe they are honest and deserving of credit, clear and willing to give the testimony which they have.

THE RIVAL THEORIES. One of the first duties of juries is, where it can con

So far as I recollect, there is no evidence in the case which will go far, if at all, toward satisfying you that there is any evidence to suppress testimony or control evidence. An exception may perhaps be made in the case of Jenny Turner, who claims that Mrs. Morse tried

by Jenny Turner, that she gave it to a geutleman, the two passing off into the hall, and that these persons, rearful of the consequences of their knowledge, concealed the knowledge which they possessed, the pistol being the pistol in the sofa of parlor No. 207, and concealed the knowledge which they possessed, the pistol being the pistol used by Stokes and dropped by him immediately after. Where he dropped his pistol is not clearly determined by his own or other evidence. This theory has but one qualification. It silows the reconcile the difference in the color of the pistol. Another discrepancy is that Jenny Turner swears the pistol was one she had before seen in Fisk's possession in Mrs. Morse's room. You are to judge, finally, whether there were two pistols in that room. You are to recollect that there is no evidence that any one saw the pistol in Fisk's hands except the prisoner himself. All other evidence shows that this pistol, whenever seen, was in others' hands. If the testimony of the prisoner was to be believed, this theory is overthrown—it ceases to be of any consequence.

STOKES'S ABILITY TO RETEEAT.

STOKES'S ABILITY TO RETREAT. If you find that there was but one pistol there, then I apprehend that you will have more difficulty in believing that this prisoner was actuated by a feeling of dan ger to himself from anything Fish proposed to do, and was rather actuated by malice and a design to effect the death of Fisk, since there could not have been any great danger to Stokes, he being at a safe distance from Pisk. It was easy for him to have defended himself or have avoided such conflict as it was in the power of Fisk to make without a pistol, and if he failed to avoid or escape from a conflict which he anticipated, or if he fired with the intention of killing Fisk when the assault was made against him, either threaten assault was made against him, either threatening life or great bodily harm, of course, he will stand undefended before you. If, however, there were two pistols there, then the question is, was the prisoner in firing acting in self-defense! Did he do what he could under the circumstances to avoid the conflict with the person coming up stairs with a pistol in his hand! It was his duty to avoid it, so long as it was possible without great dancer to himself. If he saw Fisk coming up with a pistol in his hand pointed at him, if in his power to avoid danger to himself by withdrawing from the contest, it was his duty to do so rather than by inflicting the killing now in question. But if Fisk had a pistol drawn, and the prisoner was in a position where he could not avoid a conflict without exposing himself to a continuous and greater danger, then he would be justified in the law, if he believed he was exposed to this danger, that Fisk was intending to shoot nim, and that the danger was imminent, then, and not this then, he would be justified in firing at Fisk in self-defense.

lieved he was exposed to this danger, that Fisk was intending to shoot him, and that the danger was imminent, then, and not till then, he would be justified in firing at Fisk in self-defense.

Judge Boardman here read the statutory definition of murder, and instructed them that, even admitting the two pistols, there was still a question as to Stokes's intent, and on that question they must examine the whole testimony. He cursively recalled the main points bearing on the question of intent, and continued: If you should be of the opinion that the prisoner fired this shot with preneditated design to effect the death of Fisk, and without being or believing himself in danger from him, and there was nothing that should excite any reasonable apprehension of such danger, then, of course, his crime is murder in the first degree. Unless you should think if, from all the evidence, manslaughler in the third degree. [Here he read its definition.] You are, therefore, to inquire whether there was a sudden conflict in which sudden passion arose, and in the heat of that passion the prisoner fired these shots without premeditation, without a design to take life. Then the prisoner should be convicted of no higher crime than unanslaughler in the third degree. It is in these connections that Fisk's character comes in, but only as to this, "Was he a man of personal violence?" A man who by his own strength and boldness would inflict chastisement on another? A man who would make a personal attack on, murder, or inflict indignity on one who was hostile to him, and was that known to the prisoner? In this aspect they had the right to pass on the character of Fisk as an element to show he was seeking an encounter with Stokes or was ready for it, and exhibited such a spirit as he would exhibit in his menaces to the prisoner. After briefly alluding to the discrediting testimony against Thomas Hart and De Corley, he continued: The fact of the killing being concoded, it is the duty of the prisoner to satisfy you it is not murder as the law wo

benefit of the prisoner. The doubt must rise legitimately out of the evidence. It must not be a doubt of your own judgment.

Now, gentlemen, it is not ordinarily or even naturally the case that 12 honest, intelligent men disagree in their judgment of a series of facts laid before them. Juries generally do agree. They consult upon the verdict they shall render. Sometimes, when juries are actuated by sordid or mercenary motives, when they are influenced by passion, by prejudice, by sympathy, or when jurors are obstinate or unreasonable, unwilling to listen to the suggestions of their fellows, or to hear considerations urged, in such cases it not unfrequently happens that juries may disagree, but i apprehend in your case we ought not to expect any influences of this kind. It is a case of very great consequence. There is a very serious duty imposed upon you; nevertheless it is imposed by law and to be discharged by you faithfully and well. This prisoner is either guilty and should be punished or is innecent and should be set at liberty, it is for you to say which. A disagreement of this jury is an act of injustice in one form or another, and it is therefore a thing to be deprecated. I am led to these remarks by the fact that the case has been once tried and that the jury failed to agree. I therefore earnestly ask you to divest your minds of all outside feelings and confine yourself to the evidence. Look it over carefully, chavass it fairly, and draw such conclusions from it after mature consideraminds of all outside feelings and coming yourself of the evidence. Look it over carefully, canvass it fairly, and draw such conclusions from it after mature consideration, after conception and argument, as shall seem to you to be fast and right. If you are honest men, as I believe you to be, you will do it. I commit the case to

A juror asked the Court where Mr. Stokes first saw Mr. Fisk? The Court replied: "As Fisk was coming in the inner door." Mr. Tremain and Mr. Fellows asked the Court to charge specifically certain of their written requests, and Mr. Tremain took exception to certain

portions of the Judge's charge.

As soon as the jury retired (at 8:10 p. m.) for consultation, so general was the anticipation of a long deliberation that nearly all the spectators at once left the court room in a body, until scarcely more than 40 persons including the reporters, remained to wait for the verdict The prisoner and his male friends and relatives retired to the adjoining court-room, in which Stokes has been accustomed to take his meals, and then the bustle and stir of settling down to wait was heard. Judge Boardman had gone to take his lunch, and it was runored that the counsel on both sides had accompanied him. Half whispered conversations sprang up all over the room, and comments on the case were made, and the merits and fairness of the arguments and the charge were freely discussed. The common, absorbing topic, however, was the result of the solemn conference at that moment holding in the upper room, where the jury, under lock and key, were paintully determining the question of life or death. Stokes, himself, as the walked to and fro in the room, appeared sanguine in regard to the result, and his reported that this feeling existed so strong among his friends as well, that his coasin, Henry Stokes, had a bail bond made out half an hour before the return of the jury, ready to be signed at once in case the jury, as it

seemed probable, should disagree.

The nervousnessiwhich stokes has fallfalong displayed, and particularly while waiting for the verdict on the other trial, had completely vanished now, and he stepped about the room even smiling as he met his friends and received their words of encouragement and hope and the sympathetic grasp of their hands. He smoked almost constantly, and was watched affectionately by his young brother Horace, who exhibited much more anxiety than Stokes himself. At 9:45 p. m. he partook of a light supper of oysters. At 10 p. m. the jury came down into the Chambers-room, where a really sumptuous repast had been prepared, and spent 20 minutes over the

meal, after which they again retired.

Meantime in the Court-room the ladies connected with
the family of Stokes, all of whom appeared to belong to the higher rank of society, were sorrowful pictures of anxiety and dread, and their glauces wandered continually to the clock, and were turned impatiently to ward the door ithrough which the jury would pass to their seats.

At 11:10 p. m. there was suddenly observable in the ourt-room that preiminary start and bustle and con-fused hum of expectation which is always noticeable when a startling event is expected. Every teye was struck by the unexpected appearance of Mr. Sparks, the clerk, who came hastily in from an inner room, followed by the officers of the court. The latter at once began to push aside chairs and make a passage way for the jury. Then all knew that the moment was at hand. The word was passed to Stokes, and he came in slowly, swinging his hat mechanically, and wearing that tired, jaded look which has become habitual with him. Still, no visible sign of perturbation appeared an his face, and he took his seat calmiy with friends and relatives about him. His father and mother were mergifully absent, but his usually quiet sister sat close by him, watching with terrible eagerness the open door. Through it the jury, at 11:15 p.m., silently passed, followed by the venerable Judge Boardman. Only one of the tweive turned his eyes upon the prisoner as he passed in. All the rest studiously averted their faces until called upon by the clerk. Then the almost usendurable formality of calling the names of the jurors was gone through with.

MURDER IN THE FIRST DEGREE.

Judge Boardman asked them: "Have you agreed upon a verdict, gentlemen?"

Then followed an excitement of anticipation which it

impassive voice of the Clork, as he uttered the

preliminary formula : "Gentlemen of the jury, rise. Prisoner, stand up. Gentlemen of the jury, look upon the prisoner. Prisoner look upon the jury. What say you, gentlemen of the jury! Do you find the prisoner at the bar, Edward S. Stokes, guilty or not guilty!"

Foreman-Guilty of murder in the first degree! The words were followed by a loud scream-almost a wall-from the sister of Stokes, who fell forward in a torrent of weeping on the shoulder of her brother. Horace cried convulsively, and all the friends of the unhappy man crowded about him, terribly affected, but unable to assuage his terrible disappointment. He bore ing the moment and all that it meant to him. At the request of Mr. Townsend the jury were polled, and each ne separately recorded his verdiet. COURT-ROOM EPISODES.

Stokes then broke silence for the first time, as he turned on Mr. Beach, and said deliberately but with in-tense feeling: "Well, Mr. Beach, I must say you have done your work well. I hope you have been well paid for it." Then Stokes sat down. Mr. Beach did not reply; but his face was turned away from the prisoner.

Mr. Fellows, the Acting District-Attorney, rose, and, addressing the Judge, asked that sentence be passed

upon the prisoner at the bar.

As Mr. Fellows sat down, Lyman Tremsin, who had been sitting by a table with his head bowed in his hand, said: "Your Honor, I hope you will not think it neces-sary to pass sentence at this late hour of the night. Would it not be better to wait till Monday morning?" Judge Boardman-I see no absolute necessity for pass-

ing sentence to-night, and I see no impropriety to acting on the counsel's suggestion. I will therefore defer sentence until Monday morning. District-Attorney Fellows then addressed the Court in

an explanatory manner, and stated that Messrs. Beach and Fullerton had not been employed by Mr. Fisk's

with their unfortunate client. They conversed freely enough inbout the case, but in a desultory way, as if the disaster had left them for the moment without definite

purpose.

A bill of exceptions had, however, been determined upon, and if the counsel are retained in the case after to-day, when sentence is to be pronounced, steps will be taken at once to obtain a stay of proceedings, and obtain at the General Term of the Supreme Court, or in the Court of Appeals, a revision of judgment and a new trial. Both counsel expressed themselves satisfied that there were good grounds for asking for both the stay and the revision, and are prepared to make application. But Mr. Townsend is to sail for Europe on Saturday, and Mr. Tremain is engaged in other important cases, and unless retained at once they will probably not ap pear in the case again.

It was learned elsewhere, and partly confirmed by the

counsel, that some of the jurors were willing to sign a recommendation for the commutation of the sentence to imprisonment for a long term; and it was rumored that the prosecuting attorneys and the Judge had expressed a disposition to join in the recommendation, but this story was unconfirmed, and is probably unauthorized if

Mr. Tremain, in conversation with the reporter, said he attributed the adverse verdict largely to the public clamer against criminals, and the earnest demand lately made in the newspapers for the vigorous enforcement of the laws. When it was remarked by a gentleman present that to try the case at this time was, for these very reasons, to assume a grave responsibility on the part of the counsel, Mr. Townsend and Mr. Tremain looked at each-other in such a significant way that the speaker apologized for his remark and hoped he had not offended them. Both counset then stated that they had advised against trial during December, partly on the ground that the time was unfortunate and because District-Attorney Garvin was auxious to Mave the case put over until the present term. But the prisoner insisted, first and last, on being brought to trial at once; and Mr. Tremain produced a letter from him, dated Pec. 9, in which he insisted that the trial should be forced, or his release on bail demanded. The counsel had thereupon consulted as to the advisability of withdrawing, but finally, in view of the fact that several other lawyers had previously abandoned the case, and through sympathy for his unfortunate condition, resolved to remain. Subsequently Stokes insisted, also against the advice of counsel, that his defense should be based on the ground of "justifiable homicides" thus excluding all the medical testimony, which was a main reliance on the first trial, and to which the disagreement of the jury was attributed. His letter was also signed by the father, mother, and unche of the prisoner; and finally accepted by the counsel, though against their better judgment. that the time was unfortunate and because

STOKES YESTERDAY. Although against the new rules of the Com-

pissioners refusing admittance on Sunday to any visitors to the Tombs, even to counsel of prisoners, Mr. Townsend yesterday had a long conversation with Then followed an excitement of anticipation which it is impossible to depict, and the Court-room was so still that one might almost have heard the unfolding of a pecket handkerchief. Then came the charp, clear, spoke freely and carnestly, and in a less disconnected.

style than has usually characterized his conversation. He had not slept during the might, and appeared jaded and worn, but was otherwise in good health. Of course, sentence not having been pronounced, he had not been confined in the condemned cell, as is customary after the sentence has been delivered.

THE BOWLES BROS. & CO. FAILURE.

MEETING OF PARIS CREDITORS. REPORT OF A COMMITTEE AS TO THE CAUSE OF THE FAILURE—CONDEMNATION OF THE CON-

From The American Register of Dec. 21. A meeting of the creditors of Messrs. Bowles Bros. was held, on Tuesday last, at the banking-house in the Rue de la Paix, Col. Todd, of St. Louis, in the chair. It was attended by a large number of unfortunates, among whom were several ladies, and the proceedings were watched, apparently, with great interest by a number of Japanese students in European costume, who, from their attentive demeanor, were evidently impressed with the idea that some strange scene, totally at variance with their Oriental notions, was about to be enacted.

with the idea that some strange scene, totally at variance with their Oriental notions, was about to be enacted.

Baron de Rivière then proceeded with his report. He stated that it had been a task of extreme difficulty to obtain any trustworty information as to the transactions of the Messrs. Bowles, owing the fact that, during a large portion of their business career, they had kept no regular books. In the year 1871, a set of hooks in conformity with the French law had been opened for the first time, and the Chairman regretied to state that the balance-sheet presented to the creditors at the previous meeting was wholly untrustworty and debusive. The business of the bank had been conducted without any capital whatsoever. It was true that the deed of parimership stated that the capital of the firm consisted of 1,000,000 francs, of which one-half was furnished by the Messrs. Bowles and one-half by Mr. Appleton, but no part of this sum had ever been paid into the bank, excepting a sum of \$60,000 by Mr. Appleton, which amount, saving only \$1,500, had been subsequently withdrawn by that gentleman. He further stated that the Committee of Supervision had received no communeations from the Boston and New-York branches of Bowles Bros., except telegrams of a very unsatisfactory and irrelevant character. The entire funds and property of the Boston and New-York houses had been attached by Mr. Appleton to the prejudice of the creditors of the Paris house. Alinding to the charges of fraud brought against the Messrs. Bowles in London, he added that as far as the Committee of Supervision had been able to investigate the facts, no misappropriation or breach of trust had been committed by the Paris branch of Bowles Bros. Upon this a curious scene causud.

A lady creditor, Mrs., Jane Gray Seaver, started up

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placing the resignation of the Committee in the hands of the creditors. A vote of thanks to the Committee for their exertions was passed, and their resignation accepted.

Mr. Harrise, the solicitor of the Messrs. Bowles, owing to whose exertions the creditors were induced at the last meeting to accord the codays' grace required by the firm, now rose to address the creditors. After some preliminary observations, justifying the wisdom of the advice he had previously tendered them, and assuring them that they had lost nothing by their previous leniency, and stood possessed of the same rights as if no delay whatsoever had occurred, he recommended to the creditors to take measures to put the Paris house in hankroptey. Mr. Harrise stated that the French law required that on a suspension of payments occurring the partners were bound to make a declaration of insolvency within three days, and that this potation to the Tribunal of Commerce could not now be adopted by reason of the absence of all the partners of the suspended firm, and that the difficulty could be obviated by an application to the Tribunal of Commerce on the part of any three creditors of Messers. Bowles; at the same time he produced the necessary legal document which he had drawn up for this purpose.

At this stage of the proceedings the meeting rose and pressed round the Chairman. Considerable confusion prevailed for some time, and there was an unexpected but tacit refusal on the part of every person present to sign any document whatsoever. Order leing at length restored, a gentleman inquired what and become of the pictures in Mr. Bowles' house in Genevat To this query some authorized personage replied that they had been attached by the Swiss creditors. Mr. Harrise then proceeded to deay several of the reports in circulation regarding the Messers. Bowles, He stated that they had not willdrawn £40,000 out of the bank's assets, as was currently reported; that Mr. Charles Bowles and gone of the proceeded to read a letter signed by Mr. Charles Bowles and Mr

THE COURTS.

DECISIONS-JAN: 4. Superior Court-Special Term-By Judge Monell.— Hart agt Anderson.—Order granted. Russell, rect, agt. Baker.—Re-ceiver has loave to anc. Hudson Firer West Side R. R. Co.—Mollon denied. Same agt. Sup.—The same. Ely agt. O'Brien, Sheriff.—Order discontinuing appeal. Aveer agt. Avner.—Order of reference.

Common Pleas-Special Term-By Judge Larremore.

-Williams agt. Williams.—Report confirmed and judgment of divorce granted. Rathmann agt. Rathmann.—The contempt is for non-payment of money proceedings should be filed.—Revised Statutes. Dudorcing agt. Green.—(See mem.)

CALENDARS—TRIS DAY.

SUPREME COURT—CIRCUIT—TRIAL TRAIN—PART I.—PANCHER, J.—
945. Pranklin agt Marks, impl'd.
9977. The Ressell Manufacuring.
499. Winslow agt. Nousinger.
499. Jera agt. Roard of Etu'n.
601. Jera agt. Hourd of Etu'n.
611. Deline agt. Roard of Etu'n.
611. Leidwell et al. agt. West.
612. Solition and ano. agt. Rod.
613. Jera agt. The Beard of Etu'n.
614. Morgan et al. agt. West.
615. Morgan et al. agt. West.
616. Bungle still Amn. Ca. agt.
617. Milliageville Mann. Ca. agt.
618. Bungle sylle with Care agt.
619. Sheeles agt. O Briep, Sheria.
619. Townson and apochase agt. CALENDARS-THIS DAY.

PART II—YAN BRUNT, J.—Opens at 10:39'a. m.

772. People as roll J. A. Stanmel 1140. Plast set. Recheron, imp?d.

42. Bents agt. Thurber.

1530; Mennade ggt. Rastman.

1530; Mennade ggt. Rast

GENERAL TERM-1908ARAN, P. Jr. Buaber, J. Opens at 11 a. m.-The non-square rated calcular will be called.

General Term - Porsagam, T. J.; Busher, S.-Opens at 11 a.m.—
The non-mumerased calender will be called.

Superior Court. - General American
Popular Life ics. Co.
2. Bryce agt. The Lordinan Pice.
Ins. Co.
2. Bryce agt. The Corlinan Pice.
Ins. Co.
3. Chamber agt. Pedia.
3. Jones art. Pedia.
3. Jones art. Tan. S. Bouthern
Railroad Company.
3. The Beard of Water Commissioners for the City of March 11. Beard of Water Commissioners for the City of Ma 4. Johnson et al. agt. Oppenheim
5. Bush agt. Field.
6. Derning agt. Puelston.
7. Subben agt. Rose et al.
8. Gilbert agt. Wesley.
9. Gassald agt. Thomson et al.
10. Beche agt. Ranger.
11. Badeshop agt. McCahill.
12. Rougher agt. Krien.
12. Quinn agt. Van Peil.
13. The Gocham Marnfacturing
Co. agt. Fargo.
15. The Handaway. Bolt. Spike
and Pivot Manufacturing
Co. agt. Caliberil.
25. White et al. agt. Talmadge
et al.
26. "White et al. agt. Talmadge
et al.
27. White et al. agt. White.

15. The Handaway Bolt, Spike and Fived Manufacturing Co. agt Californi.

15. The Recker, Sci. of the Charch of the Redemer agt. Crawford.

17. Anthony agt Athiesen.

18. Leolwitt agt. McKim.

19. The National Bank of Commerce in New York agt. The National Bank of Commerce in New York agt. The National Mechanica Handing Anthony agt Athiesen.

21. The Stational Mechanica Handing Anthony agt. The Athanie Michanica Handing Anthony agt. The National Commerce in New York agt. The National Mechanica Handing Anthony agt. Materious et al. 43. Coleman agt. Rown et al. 45. Kneenig agt. Rown et al. 45. Kneenig agt. Rown et al. 46. Morgan agt. National City Bank.

22. Are et al. agt. Kabbe.

23. The National City Bank.

24. The National City Bank.

25. The New York agt. Have et al. 46. Morgan agt. Skidev et al. 47. Paniston agt. Wallace et al. 47. Paniston agt. Wallace et al. 48. The New York and Harden.

26. The New York agt. Actional City Bank.

27. The National City Bank.

28. The National Factor of the Material Inc. Co.

24. Shewnous agi. Storat.

25. Clara agt. National city
Tata. Tanna-Part L.—Court, J.—Opens at 11 a. us.

107. Nearfield agt. Joseph.

107. Madden agt. Wisterbottom.

106. Haver agt. Morgan.

107. Meyers agt. Morgan.

106. Tompson et al. agt. Benner.

107. Petts agt. McGallam et al.

107. Sheakant of Brien. Shorid.

751. Kaily agt. Itina et al.

107. Sheakant of Streen. Shorid.

751. Kaily agt. Itina et al.

108. Shams agt. Johnson.

129. Missant agt. Tallman.

1206. O'Brien. Shorid.

751. Kaily agt. Itina et al.

1208. Missant agt. Tallman.

1209. Destreated by Fire Ins. Co.

1234. O'Brien. Sherid.

124. Sheakant agt. Benner.

125. Shamb agt. Commarcial Fire Ins. Co.

126. Shamb agt. Commarcial Fire Ins. Co.

127. Sheakant agt. Benner.

128. Missant agt. Benner.

129. Missant agt. Benner.

129. Missant agt. Benner.

121. Sheakant agt. Benner.

122. Missant agt. Benner.

1234. Missant agt. Benner.

124. Sheakant agt. Benner.

125. Trainant Part Ins. Co.

126. Namb agt. Commarcial Fire Ins. Co.

127. Sheakant agt. Benner.

128. Missant agt. Benner.

129. Missant agt. Benner.

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122. Missant agt. Benner.

123. Missant agt. Benner.

124. Missant agt. Benner.

125. Historian agt. Morgan.

126. Trainan Part Ins.

127. Missant agt. Benner.

128. Missant agt. Benner.

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124. Missant agt. Benner.

125. Lyous agt. Trainan.

126. Denner.

127. Sheechar agt. Trainan.

128. Missant agt. Benner.

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123. Missant agt. Benner.

124. Missant agt. Benner.

125. Lyous agt. Trainan.

126. Benner.

127. Miss

FROM LONDON—In steamably Partible, Jan. 4.—N. Gonlogrossoths R. W. Woodshides, Alex Barces, J. W. Harris, W. W. Hirizae, E. T. Weeks, A-chithaid Barr, A. Livyd, M. Letench, N. Heath, W. Wilkinson, E. T. Weeks, A-chithaid Barr, A. Livyd, M. Letench, N. Heath, Pr. Figuron and lady, E. A. Lane, Mr. McEwen, Mr. and Mrs. Van Romesharr, Mina S. Hadi, J. E. Alexander, R. W. Meikee, George T. Barryer, R. H. McLane, Mr. Wetter, Mr. McEwen, Mr. and Mrs. K. L. Stanner, W. Bendley, Mr. Natcheler, Miss Markinsoth and maid, Mr. Schomaker, W. Bendley, Mr. Natcheler, Miss Markinsoth and maid, Mr. Schomaker, W. Bendley, Mr. Natcheler, Miss Markinsoth and maid, Mr. Schomaker, W. H. Stale, Mr. and Mrs. K. Schomaker, J. Sanger, E. Barrey, W. R. Schall, Mr. Drain and J. Children, W. H. Piles, Mr. and Mrs. Drain and J. Children, FROM LIVERFOOL—In steamaker, Coty of Brocklein, Jan. 4.—Hamitron Imane, H. G. Howell, N. A. Conlborn, H. M. Kitler, James A. Casselly, Mr. Lawronne, R. Lawson, Capt. Tilben, John Fence, Mr. French, H. K. Kid, H. W. Harris, Mr. Stont, I. Hamitron, B. James, M. Tomag, Mr. McKnige, J. Sensey, Mr. French, H. & Kid, H. W. Harris, Mr. Stont, I. Hamitron, B. James, M. C. Fennas, Miss C. Smith, R. Richard, Charles Lehmon, Miss Wather, Mr. Callander, Mr. C. James, M. London, T. M. A. Conlborn, Mr. E. Charla, C. Harch, Mr. Mark, M. M. Kall, N. R. Hall, Mr. Helen, Pales, Miss M. Watson, H. W. Groshow, Mrs. E. Jardin, Z. H. Chocker, Mr. and Mrs. Eath Note, N. Cash Mr. Mottelan, V. R. Fieht, A. Barriay.

FROM HAMBURG—In steamathip Hammonia, Jan. 4.—S. Meyec-

Barelay.

FROM HAMBURG—In steamship Harsmonia, Jan. 4—8. Meyerneim, wife, and a children; Heinr, Konig Eline Kuhl, Elimbeth Heine, V.
Ahendoelme, E. Stimou sen and daughter, G. N. Petry, G. Schramm, OccarReachte, E. Schafer, J. Geldstein, John F. Vors, Julie Haas, Justine,
and Oxfordern Josef. and Catherine Just.—He steamship. Marro Casele, Jan. A.—Dr. A. B., Wilber, J. H. Bougherty, Mass adedia E. Perrett, Jamie Potekel.
FROM SAVANNAH—In recomming Leo, Jan. 4.—J. P. Brant, OttoBillman, John Morrison, Mrs. F. E. L. Lee, Affect Howe, Master E. B.,
Snythe, Master A. M. Bell, Capit John C. Brain and site, C. M. Miller,
James Ronhan, Owen Carter, and 5 in the steerage.

SHIPPING INTELLIGENCE

CLEARED.
Steamship Bremen (N. G.), Loiswigs, Bremen via Southempton, Steamship New-Orleans, Garer, New Orleans, Steamship New-Orleans, elricht & Co.

Steanship New-Orleans, Garer, New-Orleans, H. B. Cremwell & Co.

Steanship Regulator, Freeman, Wilmington, Lorillard Steanship Co.

Steanship City of San Antonio, Pennington, Key West and Galvetton,

H. Mallory & Co.

C. H. Mallory & Co.

Steamship Volunteer, Bloodgood, Philadolophis, Lorilland Sceamship Co.

Steamship Acushnot, Ecctor, New Bedford, Ferguson & Wood,

Steamship John Gibson, Winders, Georgetowe, D. C., Gen, B. Marriek,

Steamship Montgomery, Faircloth, Savannah, Robert Londen,

Steamship San Salvador, Niekersen, Sarannah, W. R. Garrien,

Steamship San Salvador, Niekersen, Sarannah, W. R. Garrien,

Steamship Manhattan, Woodhull, Charleston, F. R. Morgan & Co.

Steamship Gity of Havana, Deaken, Havana, & C., F. Alexandre &

Jone.

Stagmehin Negtune, Baker, Boston, H. F. Dimock.
Ship Lord of the Lies (Hr.), Cragin, Liverpool, C. L. Wright & Co.
ship Blanca (Br.), Browner, Gallan, Sen, Boskendorf & Co.,
ship Blanca (Br.), Morrison, San Francisco, Smilen & Co.,
Ship Gen, McCleidan, Morrison, San Francisco, Smilen & Co.,
Bark Hamilton (Gir.), Wirman, Rotierdam, U. Tobias & Co.,
Bark Clymping (Br.), Richards, Cork or Faincault, S. L. Merchant Bark Chymping (Br.), Wieman, Robertan C. Tobias & Co.
Bark Chymping (Br.), Richards, Cork or Fainouth, S. E. Merchant &
Co.
Bark Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bark Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Fouch, Solve, &
Bork Shuda (Bor.), Shown, Orrk for solves, Funda, Solve, &
Bork Macca (M. G.), Griese, Wilmington, Funda, Solve, &
Bork Macca (M. G.), Griese, Wilmington, S. E. Tobias & Co.
Schr, Impalso (Br.), Curtis Bridgeton, Barosolve, C. Tobias &
Schr, Impalso (Br.), Curtis Bridgeton, Barosolve, Schota, Arrando, Herrick, Jackson Jin., M. Bridge &
Co.
Schr, Larrando, Herrick, Jackson Wilmington, W. Chalmers,
Schr, Freenam, McMullen, Balimore, W. Chalmers,
Schr, R. J. Loouard (Br.), Bradle, Port Johanon, F. I. Nevius & Sona,
Schr, K. J. Loouard (Br.), Bradle, Port Johanon, F. I. Nevius & Sona,
Schr, K. J. Williams, Morrell, Stamford, Samford Manufacturing Co.
Schr, A. J. Williams, Morrell Stamford, Samford Manufacturing Co.
Schota, A. J. Williams, Morrell Stamford, Samford Manufacturing Co.
Schota, A. J. Williams, Morrell Stamford, Samford Manufacturing Co.
Schota, A. J. Williams, Sona, Sona, Solvandor, Samford, Samford Manufacturing Co.
Schota, A. J. Williams, Robert Marker, Lordon Dec. 19, via Harre
Steamship City of Brooklyn (Hr.), Thobita, Liverpool Dec. 19, and
Queenstown Marker, Schota, Scho